

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
80 F Street N.W.,
Washington, D.C. 20001,

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO,
1625 L Street, N.W.
Washington, D.C. 20036,

and

NATIONAL ASSOCIATION OF
GOVERNMENT EMPLOYEES, INC.,
159 Thomas Burgin Parkway
Quincy, MA 01269,

Plaintiffs,

v.

SCOTT KUPOR, in his official capacity as
Director of the Office of Personnel
Management,
1900 E Street, N.W.
Washington, D.C. 20415,

and

OFFICE OF PERSONNEL MANAGEMENT,
1900 E Street, N.W.
Washington, D.C. 20415,

Defendants.

Case No. 1:25-cv-10276

**PLAINTIFFS’ NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS**

Plaintiffs American Federation of Government Employees, AFL-CIO, American Federation of State, County and Municipal Employees, AFL-CIO, and National Association of Government Employees, Inc., respectfully submit this Notice of Supplemental Authority to apprise the Court of a recent order relevant to Defendants’ Motion to Dismiss [Dkt. No. 102].¹

On September 12, 2025, the United States District Court for the Northern District of California decided *American Federation of Government Employees, AFL-CIO v. United States Office of Personnel Management*, No. 25-cv-01780-WHA, Dkt. No. 261 (N.D. Cal., Sept. 12, 2025) (the “Order”). Plaintiffs cited a prior order from this case in their Opposition brief. [Dkt. No. 102 at 7, 16–17].

In the Order, the District Court granted the Plaintiffs’ motion for partial summary judgment and denied the government’s cross-motion for summary judgment. The District Court reaffirmed its prior order on jurisdiction, concluding that the plaintiffs’ claims were not channeled by the Civil Service Reform Act. The Order also reached additional conclusions, not included in its prior order, regarding the impairment and unavailability of the statutory channels: the Office of Special Counsel, the Merit Systems Protection Board, and the Federal Labor Relations Authority. *See* Order at 18–25.

Plaintiffs attach a copy of the Order hereto as Exhibit A, for the Court’s convenience.

¹ Scott Kuper was sworn in as Director of the U.S. Office of Personnel Management on July 14, 2025, and he has been automatically substituted as the Defendant in this case in his official capacity. Fed. R. Civ. P. 25(d).

DATED this 16th day of September, 2025.

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CERTIFICATE OF SERVICE

I, Charlotte Kamai, hereby certify that on September 16, 2025, a true copy of the foregoing document was electronically filed through the Court's ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

Dated: San Francisco, CA
September 16, 2025

/s/ Charlotte Kamai
Charlotte Kamai